

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SHAWN RICHARD COUDRIET,
Plaintiff,

v.

JUDGE JOHN F. SPATARO, et al.,
Defendants.

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C.A. No. 21-115 Erie

**District Judge Susan Paradise Baxter
Magistrate Judge Richard A. Lanzillo**

MEMORANDUM ORDER

Plaintiff Shawn Richard Coudriet, an inmate incarcerated at the Crawford County Correctional Facility in Saegertown, Pennsylvania, commenced this action by filing a *pro se* civil rights complaint accompanied by a motion for leave to proceed *in forma pauperis* (“ifp motion”) [ECF No. 1], on April 8, 2021. Named as Defendants are Judge John F. Spataro, Assistant D.A. John P. Kulzer, III, Pennsylvania State Police Officers John L. Summerville and Nicolas J. Mogel, Deputy Warden Jack Greenfield, Meadville Medical Center, and the Pennsylvania State Police. This matter was referred to United States Magistrate Judge Richard A. Lanzillo for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On June 29, 2021, Judge Lanzillo issued an Order requiring Plaintiff to file an amended complaint because the allegations of the original complaint were largely incoherent [ECF No. 6]. In response, Plaintiff filed a proposed amended complaint on July 22, 2021 [ECF No. 7].

On August 23, 2021, Judge Lanzillo issued a report and recommendation (“R&R”) recommending that Plaintiff’s *in forma pauperis* motion be granted and that this action be

dismissed as legally frivolous in accordance with 28 U.S.C. § 1915(e), finding the allegations of the amended complaint “incoherent and fanciful,” lacking “any arguable basis in law or fact” [ECF No. 8]. No timely objections have been filed.

After de novo review of the complaint, together with the report and recommendation, the following order is entered:

AND NOW, this 7th day of October, 2021;

IT IS HEREBY ORDERED that the report and recommendation of Magistrate Judge Lanzillo, issued August 23, 2021 [ECF No. 9], is adopted as the opinion of the Court, and this case is DISMISSED as frivolous pursuant to 28 U.S.C. § 1915(e). The Clerk is directed to mark this case CLOSED,


SUSAN PARADISE BAXTER
United States District Judge

cc: The Honorable Richard A. Lanzillo
U.S. Magistrate Judge

all parties of record